

S.B.CRIMINAL MISC. BAIL APPLICATION NO.4187/2007**(Bhikam Chand & Anr. vs. State of Rajasthan)**

DATE OF ORDER : September 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vijay Purohit, for the petitioners.

Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that it is petitioner No.1 Bhikam Chand, who suffered the grievous injuries on parietal region of the skull and there is a cross-case instituted against the complainant party and so far complainant party is concerned, no injury has been caused to them by either of the petitioners.

Learned Public Prosecutor submits that there was a boundary dispute with regard to the land and Patwari was called and in his presence, the dispute was resolved, however, the complainant party assaulted the Patwari, made him to flee away

and a quarrel took place and in that process, the injuries have been caused to the petitioners. Petitioner No.1 suffered grievous injuries on the skull.

Be that as it may, looking to the nature of the injuries suffered by petitioner No.1 himself and having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Bhikam Chand s/o Ganesh Ram and Bajrang Lal s/o Ram Kumar in FIR No.38/2007, P.S. Jayal, Distt. Nagaur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

- (i) That they shall make themselves available for interrogation by a police officer as and when required;
- (ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing

such facts to the Court or to any police officer and;

(iii) That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-